

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Anastasia Plakas	Team: Squad #6	CCRB Case #: 201412475	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Wednesday, 10/09/2013 12:04 AM	Location of Incident: 5 West Burnside Avenue	Precinct: 46	18 Mo. SOL 4/9/2015	EO SOL 4/9/2015	
Date/Time CV Reported Wed, 12/17/2014 11:47 AM	CV Reported At: CCRB	How CV Reported: In-person	Date/Time Received at CCRB Wed, 12/17/2014 11:47 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Richard Wallace	22781	953551	PBBX

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Daniel Ward	13257	953556	PBBX
2. POM Brian Treuhaft	30390	952491	PBBX
3. POM Peter Quatralo	31215	953280	PBBX

Officer(s)	Allegation	Investigator Recommendation
A.POM Richard Wallace	Force: PO Richard Wallace used physical force against § 87(2)(b)	
B.POM Richard Wallace	Discourtesy: PO Richard Wallace spoke discourteously to § 87(2)(b)	
C.POM Richard Wallace	Force: PO Richard Wallace used physical force against § 87(2)(b)	

Case Summary

On October 9, 2013, at approximately 12:04 a.m., § 87(2)(b) was inside a Chase bank, located at 5 West Burnside Avenue in the Bronx. PO Richard Wallace and PO Daniel Ward responded to a call of a suspicious male at that location. § 87(2)(b) was arrested for § 87(2)(b) (encl. L1-L3). § 87(2)(b) alleged that, while inside the bank, PO Wallace kicked him in the face (**Allegation A**). § 87(2)(b) was then handcuffed and brought outside. He further alleged that PO Wallace told him to “shut the fuck up” (**Allegation B**) and punched him in the face (**Allegation C**).

§ 87(2)(b) originally filed this complaint via telephone to IAB on October 17, 2013. The complaint, CCRB#§ 87(2)(b) was closed as complainant uncooperative on January 9, 2014, after § 87(2)(b) missed his scheduled interview and failed to respond to subsequent contact attempts. § 87(2)(b) appeared in-person at the CCRB on December 17, 2014 (encl. C1-C2) and requested that his case be reopened. His request was approved by Acting Executive Director Brian Connell (encl. D1-D2).

Mediation, Civil, and Criminal Histories

Because § 87(2)(b) alleged serious physical injuries as a result of this incident, the case was deemed ineligible for mediation. On January 6, 2015, § 87(2)(b)'s attorney filed a Notice of Claim for an unspecified amount (encl. T1-T6). § 87(2)(b) is scheduled for a 50-H Hearing on § 87(2)(b) 5 (encl. U1). Office of Court Administration records reveal that § 87(2)(b)'s charges for this arrest were adjourned in contemplation of dismissal on § 87(2)(b). § 87(2)(b) has no prior criminal convictions.

Civilian and Officer CCRB Histories

- PO Wallace has been a member of the NYPD for two years and has had one previous CCRB case with no substantiated allegations. His previous case involved a force allegation and a discourtesy allegation (encl. A1).
- § 87(2)(b)

Video Footage

Video footage from the Chase bank, located at 5 West Burnside Avenue, was initially obtained for CCRB#201309913. The footage, consisting of five clips, shows the entirety of § 87(2)(b)'s interaction inside the bank with all four officers who were present. The footage does not show anything which occurred outside the bank (encl. E1-E5).

Findings and Recommendations

Explanation of Subject Officer Identification

On December 17, 2014, § 87(2)(b) was interviewed at the CCRB (encl. F4-F6). § 87(2)(b) alleged that an unidentified officer, referred to as PO1, kicked him in the face, told him to shut the fuck up, and punched him in the face. § 87(2)(b) stated that PO1 was present from the start of the incident and was the taller of the two officers. Two officers initially responded to the call of a

suspicious male inside the bank: PO Ward, who is 5’9” tall (encl. M1), and PO Wallace, who is 6’4” tall (encl. J1). Therefore, allegations A through C are pleaded to PO Wallace.

Allegation A — Force: PO Richard Wallace used physical force against § 87(2)(b)

On January 16, 2015, PO Wallace was interviewed at the CCRB (encl. J3-J6). PO Wallace acknowledged that on October 9, 2013, he and his partner, PO Ward, brought § 87(2)(b) to the ground while placing him under arrest. § 87(2)(b) actively resisted arrest. PO Wallace denied kicking § 87(2)(b) in the face while § 87(2)(b) was on the ground or witnessing any officer kick § 87(2)(b) in the face while § 87(2)(b) was on the ground.

On January 6, 2015, PO Ward was interviewed at the CCRB (encl. M3-M5). PO Ward corroborated PO Wallace’s account of the incident, with minor differences. PO Ward did not recall whether he or any officer kicked § 87(2)(b) in the face while § 87(2)(b) was on the ground. On January 13, 2015, PO Treuhaft was interviewed at the CCRB (encl. O3-O6). PO Treuhaft corroborated PO Wallace and PO Ward’s accounts of the incident, with minor differences. PO Treuhaft denied kicking § 87(2)(b) in the face while § 87(2)(b) was on the ground or witnessing any officer kick § 87(2)(b) in the face while § 87(2)(b) was on the ground. On January 14, 2015, PO Quatralle was interviewed at the CCRB (encl. Q3-Q5). PO Quatralle corroborated PO Wallace, PO Ward, and PO Treuhaft’s accounts of the incident, with minor differences. PO Quatralle did not recall whether he or any officer kicked § 87(2)(b) in the face while § 87(2)(b) was on the ground.

Video footage from the bank provided three relevant clips, all capturing different angles of the interior space. Upon careful review of the footage, it is clear that none of the four officers made contact with § 87(2)(b)’s face while he was on the ground. § 87(2)(g)

§ 87(2)(g)

Allegation B – Discourtesy: PO Richard Wallace spoke discourteously to § 87(2)(b)

Based on § 87(2)(b)’s statement, the only officers who would have heard PO Wallace’s alleged profanity were PO Wallace and his partner, PO Ward. In his CCRB statement, PO Wallace did not recall telling § 87(2)(b) or hearing any officer tell him, to “shut the fuck up.” In his CCRB statement, PO Ward did not recall telling § 87(2)(b) or hearing any officer tell him, to “shut the fuck up.” Furthermore, both PO Treuhaft and PO Quatralle denied telling § 87(2)(b) or hearing any officer tell him, to “shut the fuck up.”

§ 87(2)(g)

Allegation C – Force: PO Richard Wallace used physical force against § 87(2)(b)

Based on § 87(2)(b)'s statement, the only officers who would have witnessed PO Wallace's alleged force were PO Wallace and his partner, PO Ward. In his CCRB statement, PO Wallace denied punching § 87(2)(b) in the face after he was handcuffed or witnessing any officer punch § 87(2)(b) in the face after he was handcuffed. In his CCRB statement, PO Ward denied punching § 87(2)(b) in the face after he was handcuffed, but did not recall whether he witnessed any officer punch § 87(2)(b) in the face after he was handcuffed. Furthermore, both PO Treuhaft and PO Quatrone denied punching § 87(2)(b) in the face after he was handcuffed or witnessing any officer punch § 87(2)(b) in the face after he was handcuffed.

§ 87(2)(g)

Team: _____

Investigator: _____

Signature	Print	Date
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Supervisor: _____

Title/Signature	Print	Date
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Reviewer: _____

Title/Signature	Print	Date
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Reviewer: _____

Title/Signature	Print	Date
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